

REMARKS

A. Request for Reconsideration

Applicant has carefully considered the matters raised by the Examiner in the outstanding Office Action, but remains of the position that patentable subject matter is present. Applicant respectfully requests reconsideration of the Examiner's position based on the amendments to the claims and the following remarks.

B. Claim Status and Claim Amendments

Claims 18-30 are pending. Claim 16 has been canceled, claims 18, 25 and 29 have been amended and claim 30 has been added herein. Claim 30 has been added to more clearly define the present invention. Further details will be discussed below.

C. Claim Rejections, Prior Art

The Examiner has rejected claims 16 and 18-29 under 35 U.S.C. § 103(a) as being unpatentable over Dolasia (U.S. Patent No. 5,106,177) in view of Huang (U.S. Patent No. 6,527,240) and further in view of Chen (U.S. Patent No. 6,719,255).

To aid the Examiner in understanding the invention, Applicant has attached an enlarged portion of Figure 2 with various parts labeled.

Claim 16 has been canceled and claim 30 has been added. Claim 30 more closely defines the particular shape of the open recess in which the mirror arm is located as rectangular with a V-shaped cut-out in one side only. The mirror arms with a rectangular or cross-sectional shape rest on the sides of the rectangle on each side of the V-shaped cut-out and mirror arms of a polygonal

or circular shape rest in the v-shaped cut-out. This enables arms of almost any shape to be accommodated in the mounting.

As noted above, the rear view mirror of the present invention is located external of a vehicle. Support for the mirror being located externally can be found on page 1, second paragraph of the present application which states in part that “[c]ommercial vehicles are provided with rear view mirror mounting arms which *extend from* the vehicle and are adapted to carry a rear view mirror” (emphasis added). Having rear view mirror mounting arms extending from the vehicle clearly indicates the mirror is not located internally. However, Dolasia discloses a surveillance safety mirror used inside a vehicle. Dolasia is not intended for external use. Dolasia makes this clear by stating “[t]he device is particularly useful for enabling an unaccompanied driver to view an infant/child travelling in the rear seat, whilst maintaining an uninterrupted view of the following traffic through vehicle’s rear-view mirror/rear window” (see, Dolasia col. 1, lines 9-13). It would be nearly impossible for view an infant/child in the rear seat while looking through the rear-view window if the mirror was positioned externally. Moreover, Dolasia goes on to state the mirror “can be attached to any suitable point *in the vehicle*” (emphasis added) (see, Dolasia col. 1, line 44). Again, by this statement it is clear that the clamp (10) of the mirror is not intended to be connected to an external mirror mounting arm, but rather inside the vehicle. Thus, the present invention is distinguishable from Dolasia since the present invention is fixed outside of a vehicle and Dolasia is fixed inside of a vehicle.

Moreover, the Examiner states that Dolasia teaches a rear view mirror having a mirror mounting arm (13) attached thereto. The arm is referred to in the specification of Dolasia as being “a pivotally connected arm” (see, Dolasia col. 1, line 68). However, arm (13) is not the arm which is engaged by the mirror mounting means. The mounting means of Dolasia is

provided by a clamp (10), and the clamp (10) is not mounted on the back of the mirror, it is connected to arm (13). Thus, the mounting arm of the present invention and the mounting arm which the Examiner references in Dolasia are distinguishable.

The Examiner recognized that Dolasia does not teach the mounting of the present invention. However, the Examiner asserts that Huang teaches such a mounting with the specific engaging surface. In the present invention, the mounting engaging surface comprises an open recess formed by two opposing parallel end walls and a planar base perpendicular to and extending between the end walls; a V-shaped recess is provided in the base and has two angled surfaces which extend up to the base.

The characteristics of the mounting of the present invention are distinguishable from Huang. The Examiner points to Huang to show a mount with a recess as set out in the present invention. The recess of Huang is entirely V-shaped as both seats (22 and 23) of Huang are V-shaped (see, Huang, col. 2, line 28). The recess of the present invention forms a V-shape only in the mounting (1), not both the mounting and cap (5) of the invention and not in the space between the seats as disclosed by Huang (see Fig. 2; see Huang, col. 1, lines 38-39; Fig 3). Moreover, the Examiner stated that Huang discloses a planer base (220). However, Huang does not disclose a planer base, rather Huang discloses a seat body of the V-shaped seat (22) (see, Huang, col. 2, line 46-52). Thus, Huang does not disclose a planer base and the recess consists entirely of a V-shape.

Moreover, Huang does not disclose end walls similar to the present invention and the base of Huang is not perpendicular to the parallel end walls as claimed by the Examiner. The present invention discloses a rectangular shaped recess having a planer base with a V-shape and engaging surfaces (within the recess). The engaging surfaces of the present invention lead to end

walls, which are perpendicular to the planer base. The end walls of the present invention extend beyond the V-shaped recess to provide an engaging surface for the mating cap and aid in better securing the mirror arm. However, the end walls of Huang do not extend out from the mounting component, rather the end walls are orientated such that they are at a different angle than the present invention and are equivalent in shape. For Huang to possibly achieve the present invention, it would be necessary for the whole surface, including the two sides of the members to be within a recess. Thus, Huang does not anticipate the present invention.

It is noted that the Examiner cited Chen as teaching a clamping device with a V-shaped recess which has a cap (32) and re-entrant cut-outs (300) which are used to clamp the desired shape more securely. The Applicant respectfully disagrees that Chen discloses a cap similar to the cap (5) of the present invention with re-entrant cutouts. Moreover, the Applicant respectfully disagrees regarding Chen teaching flat sections of the base remain on each side of the V-shaped recess. As claimed in claims 20-24 of the present invention, and discussed in the third paragraph at page 6 of the specification, the cap is a corresponding part to the mounting, which has a matching engaging surface comprising two rectangular recesses (18a) connected by a substantially U-shaped recess (18). This feature is shown in the Figs 2-3 in the present invention.

The cap of Chen is not similar to the cap of the present invention. First, the cap of the present invention does not contain a V-shaped recess like Chen. Rather, the cap of the present invention contains a rectangular recess with re-entrant cutouts (18a) as can be seen in Figure 2 (see, p. 6, third paragraph). The only V-shaped recess (8) of the present invention is on the opposing half of the mounting (1). Chen discloses a V-shaped recess on both halves of the suspending device which have jagged serrations. Second, the cap of the present invention is U-

shaped, where as the cap of Chen is not U-shaped. Third, the present invention does not require the use of multiple fastening means on each side of the cap as is required in Chen. Chen slides arms 32 into sliding slots (202) and then uses four screws (46) to attach the cap (30) to the body (20).

Additionally, Chen does not disclose a V-shaped planer base. The “planer base” of Chen is merely a block of material between the two portions of the base in which the V-shaped recesses are provided. The base is not a mirror arm engaging surface; there is no intention of using the flat base to engage the bar (60). (see, Chen, Fig. 4). Furthermore, Chen does not disclose a rectangular shaped recess and there are no end walls of Chen which are perpendicular to the long side. The two vertical walls of Chen are merely the sides of the retaining member (30) which has two arms (32) that engage between the two parts of the clamp in which the V-shaped recesses are formed. Thus, the present invention is distinguishable from Chen.

Therefore, Dolasia, Huang and Chen, in combination or independently, do not teach the mounting element in the present invention. It is respectfully submitted that the claims are patentable over Dolasia and Huang.

Claims 18-29 are ultimately dependent upon claim 30. Since claim 30 is patentable over the prior art as discussed above, claims 18-29 are also patentable.

D. Conclusion

It is respectfully submitted that the application is in condition for allowance and such action is respectfully requested. Should any extensions of time or fees be necessary in order to

maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account Number 02-2275.

Respectfully submitted,

LUCAS & MERCANTI, LLP

A handwritten signature in black ink, appearing to read 'Klaus P. Stoffel', written over a horizontal line.

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